

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 24041 of 2004

Between:

1 Sri Dhavuluri Raghuram Prasad S/o.D.Chenchuramaiah
Chairman of M/s. Madhavi Sea Food Exports (P) Ltd., residing at Jupiter
Residence

House No.B-1, Opposite Cosmo Club, Suryanarayanapuram
Bhimavaram 534 002.

2 Sri Kommieni Rama Krishna S/o.Sri Vidyasagar, Executive Director,
M/s. Madhavi Sea Food Exports (P) Ltd., R/o. Intur Village, Amartaluru Mandal,
Guntur District.

3 Sri D.Chenchuramiah S/o. Late Raghavaiah, Chairman of M/s. Madhavi Sea
Food

Exports (P) Ltd., residing at D.No.27-17-75, Vijaya Buidling Society Building,
Bhimavaram-534202

4 Sri Yedlapati Raghunath S/o.Sudhakara Rao, Director of M/s. Madhavi Sea Food
Exports (P) Ltd., residing at Flat No6, 4th Floor, Nagamalli Enclave, Maharanipeta,
Visakhapatnam.530002.

5 Sri Kommineni Vidya Sagar S/o.Nagabhushanam,
Residing at Intur Post 522341, Guntur District.

6 Smt.Yedlapati Mythili Kumari W/o.Sudhakara Rao,
residing at Flat No.6,4th Floor Nagamalli Enclave, Maharanipeta, Visakhapatnam.

7 Smt.Myneni Haritha W/o.Kameswara Rao
Residing at Intur Post, Guntur District.

..... PETITIONER(S)

AND

State Bank of India, Overseas Branch, Resapuvanipalem, Visakhapatnam, by its Chief Manager.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction quashing the notice dated 19.8.2004 issued by the respondent under Section 13 (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002, illegal and void, and to pass such other order or orders.

Counsel for the Petitioners: MR.S.V.S.CHOWDARY

Counsel for the Respondent No.1: MR.DEEPAK BHATTACHARJEE

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

The grievance of the petitioners is against the action of the respondents in issuing notice under Section 13(2) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act'), against the petitioners qua the mortgaged property, which also includes agricultural land.

Section 31(i) of the Act says that provisions of this Act shall not apply to any security interest created in agricultural land.

In this view of the matter, we allow the writ petition and set aside the notice issued to the petitioners under Section 13(2) of the Act qua the property, which has been described therein as agricultural land. For the remaining property, in case, petitioners have any grievance, they are at liberty to seek appropriate remedy in accordance with law.

The writ petition is accordingly allowed. No costs.

DEVINDER GUPTA, CJ

Date: 29th December, 2004

M. NARAYANA REDDY,J

Pnb

To

1. The Chief Manager,

State Bank of India, Overseas Branch, Resapuvanipalem,
Visakhapatnam.

2. Two C.D. copies